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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,743	05/04/2005	Stephen C P Joseph	58117US004	4553
32692 7590 10/25/2007 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427				
			EXAMINER ARDIENTE, DELILAH P	
			ART UNIT 1797	PAPER NUMBER
			NOTIFICATION DATE 10/25/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/533,743

Applicant(s)

JOSEPH, STEPHEN C P

Examiner

Delilah P. Ardiente

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/4/05 and 12/12/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lutz et al, US Pub 20020148763 (hereafter, Lutz Pub).

As to Claims 1 and 10, Lutz Pub teaches a screening apparatus for filtering pulp stock, having a filter (Fig. 1, 66), a reservoir (Fig. 1, 62) having filler opening (filter inlet, Fig. 1 and par-0085, lines 5-7), wherein

said filter having an elongated rigid tubular body (see Fig. 2, and par-0010), closed at one end and open at the other end, having a support collar (Fig. 2, 82) to fitting in the inlet opening, thus maintaining its elongated shape and volume and extending away within the reservoir as filtering products enters herewithin. See Fig. 1 and 0086.

As to Claim 2, Lutz Pub teaches said filter body can be dropped into the reservoir through the filler opening. See Fig. 1, wherein filter, 66 being inserted through the inlet that is being closed by the cover, 72.

As to Claim 3, Lutz Pub teaches said filter body having an axial length substantially of same depth within the reservoir. See Fig. 1: 64 and 62.

As to Claim 4, Lutz Pub teaches said support collar (Fig. 16: portion extending downward from the keeper, 184) having an external lip (Fig. 2, 82 and fig. 18: 220) for sitting around the marginal edge of the filler opening for retaining the collar herein. See par-0143.

As to Claim 5, Lutz Pub teaches said support collar integral with said tubular filter body. See (Figs. 2 and 16: portion extending downward from the keeper, 184 and being attached to the screen media, 66).

As to Claim 6, Lutz Pub teaches said support collar connected to a cage surrounding the tubular filter body within the reservoir. See (Figs. 2 and 16: portion extending downward from the keeper, 184 and being attached to the perforated frame, 68).

As to Claim 7, Lutz Pub teaches said cage comprising a plurality of legs extending from the open end of support collar to the base of the closed end of the said tubular filter body. See Fig. 2, 88, braces.

As to Claim 8, Lutz Pub teaches a sufficiently flexible cage to allow the filter to collapse if the reservoir collapses. See par-0124, frame becomes flexible as the construction produces a tough and more resilient frame, wherein it can be collapsible if the reservoir collapses.

As to Claim 9, Lutz Pub teaches said filter body provided with one annular support hoop spaced from the said collar. See Fig. 2: 82, mounting ring.

Art Unit: 1797

The reference does not disclose that the cylindrical filtering device of Lutz Pub is "for supplying filtered fluid for a spraying apparatus ". However, this is a statement of intended use. With respect to statement of intended use, MPEP 2111.02 states:

*During examination, statements in the preamble reciting the purpose or intended use of the claimed invention must be evaluated to determine whether the recited purpose or intended use results in a structural difference (or, in the case of process claims, manipulative difference) between the claimed invention and the prior art. If so, the recitation serves to limit the claim. [MPEP 2111.02 (Citing In re Otto, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963))].*

No structural difference can be discerned between the prior art and the instant invention, because the "filtering device" of Lutz Pub is capable of supplying filtered fluid into a spraying apparatus.

Lutz Pub relates to a cylindrical filtering assembly using a resilient replaceable screen media supported by a resilient sheet of cylindrical frame, being disposed in a filter housing (par-0177), wherein a filtering stock passes through the screen media to an exterior chamber of cylindrical filter where the filtrate exits from the chamber through the housing outlet. See par-0009 and par-0086.

***Allowable Subject Matter***

2. Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- Claim 11, said reservoir being collapsible in such a way that the flexible filter collapses with the reservoir as liquid is being withdrawn.
- Claim 12, said reservoir having a flexible wall, moving the rigid base towards the lid as liquid is being withdrawn.
- Claim 13, said lid providing an extension sleeve or cage surrounding the reservoir to provide support. See Fig. 19, 281 and page 26, lines 10-11).

Art Unit: 1797

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delilah P. Ardiente whose telephone number is (571) 272-6375. The examiner can normally be reached on 7:00 AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Roy Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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10/1/07

Delilah P Ardiente  
Examiner  
Art Unit 1797

  
DAVID SAMPLE  
PRIMARY EXAMINER